REMARKS

Claims 10-18 are pending in this application. None of the claims were amended in this response. Favorable reconsideration is respectfully requested.

Claims 10-12 and 14-18 were rejected under 35 U.S.C. §102(e) as being anticipated by *Bruhn* (US Patent 6,256,487). Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bruhn*. Applicant traverses these rejection. Favorable reconsideration is respectfully requested.

Specifically, Bruhn does not teach or suggest "channel-coding a first portion of the data bits and the at least one mode bit consistently and independently of the particular code mode" as recited in claim 10, and similarly recited in claim 17.

Regarding Bruhn, the reference teaches that, regardless of the technique used at the transmit side to provide different codec modes, in order to be able to correctly decode the received data, a receiver needs to know the codec mode used by the transmitter to process any given block or frame of received data. Accordingly, Bruhn teaches three options for transmitting the codec mode: (1) transmitting a (two-bit) mode indicator from the transmitter to the receiver in conjunction with, or in advance of, the block or frame of data to which it relates; (2) the receiver may transmit a request for a particular codec mode to the transmitter or (3) the receiver may transmit signal quality measurements associated with the downlink channel (i.e., BTS to mobile station link) to the transmitter which the transmitter then uses to identify an appropriate codec mode (col. 6, lines 42-63). In any of these three cases, some type of mode information is exchanged between the transmitter and the receiver over the air interface.

Since the mode information is also communicated over the air interface between the BTS 20 and the mobile station 12, Bruhn teaches that the mode information should also be protected against channel errors as well as the data (col. 6, lines 64-67). However, since the mode information may be conveyed over the air interface using only a few bits per frame, efficient (i.e., redundancy reducing) source coding with low delay is not feasible. Moreover, adding heavy channel coding, i.e., with a large amount of redundancy, is not desirable since it adds further to overhead (i.e., non-payload data) transmissions and reduces the user's effective bit rate. Accordingly, Bruhn disclosed that it is also desirable to maintain low coding delay so that codec
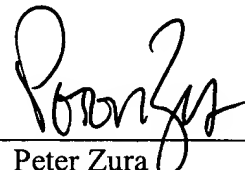
modes can be changed quickly to account for rapid changes in transmission channel conditions, and, therefore, the mode information is channel coded using a relatively weak (i.e., with a small amount of redundancy) channel code (col. 6, line 67 – col. 7, line 13).

In the entire teaching of Bruhn, nowhere is it disclosed the process of channel-coding a first portion of the data bits and the at least one mode bit consistently and independently of the particular code mode. Bruhn makes explicitly clear that mode information is an indicator which identifies one of at least two different codec modes being used to process data being transmitted by said transmitter or that the mode information is a request for one of at least two different codec modes (see, e.g. claims 7-9). As argued previously, the channel encoding in Bruhn is completely dependent on the source code mode, and as such does not teach the limitations recited in the present claims. Applicants submit the rejections under 35 U.S.C. §102 and §103 are improper and should be withdrawn.

In light of the above, Applicants respectfully submit that independent claims 10-18 are in condition for allowance, which is respectfully requested. The Commissioner is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Response, including any time extension fees. Please reference docket number 112740-218.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____

Peter Zura
Reg. No. 48,196
Customer No.: 29177
(312) 807-4208

Dated: January 24, 2006